

MCKEOWN et al.
Appl. No. 10/565,961
August 13, 2008

REMARKS/ARGUMENTS

Favorable consideration of this application and entry of the foregoing amendments is requested.

At the outset, Applicants offer the following comments on the Summary of the May 27, 2008 telephonic interview with the Examiner. The Examiner contacted the undersigned to determine if Applicants would be willing to accept allowance on the basis of the subject matter of a specified claim. The Examiner indicated that if agreement could not be reached, he would issue a restriction requirement. The nature of that requirement has not been discussed. Applicants electronically filed the Third Preliminary Amendment on May 2, 2008, after agreement was not reached during a telephone discussion of May 1, 2008. The Restriction Requirement issued May 13, 2008, that is, 11 days after the filing of the May 2, 2008 Preliminary Amendment.

The specification has been amended to correct an obvious error in the structure of reaction product "(47)" on page 24.

Claim 59 has been revised and claim 87 has been cancelled without prejudice. Claims 64 and 66 have been revised so as to delete the subscript "n". The revision makes it clear that the formulas recited in the claims define the repeating unit *per se* rather than the polymeric structure. Claim 65 has been revised to recite the repeating unit obtained in accordance with Reaction Scheme D on page 24 of the subject specification (note the above correction to the specification).

New claim 89 has been added. The claim finds support in Example 2 of the application (see repeating unit "(74)").

MCKEOWN et al.
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In response to the Examiner's requirement for restriction, Applicants elect the subject matter of Group I (claims 59-72, 74-76 and 81-85). This election is made with traverse and the Examiner is requested to reconsider and withdraw the requirement for restriction for reasons discussed below. Applicants understand from the Interview Summary that claims 87 and 88 (added with the May 2, 2008 Amendment) are also grouped with Group I and it is believed that new claim 89 should also be included with this Group.

In response to species election A, Applicants elect, with traverse, the microporous material of claim 66. Claim 88 defines this polymer in a slightly different manner. Of the claims of Group A, claims 59-64, 67, 69-72, 74-76 and 81-88 read on the elected species. In response to species election B, Applicants elect, with traverse "molecular sensor". The claims of Group I readable on the elected species include claims 59-72, 83, 85, 88 and 89. The Examiner is requested to reconsider and withdraw the requirement for election of species A and B. Consideration of all of these species in this application would pose no undue search burden for the Examiner.

As justification for requiring restriction, the Examiner indicates that the inventions of the different Groups do not relate to a single general inventive concept. The Examiner cites McKeown et al to support his position. Applicants submit, however, that there is a difference in practice between the polymers of the reference and those of the present invention. In this regard, attention is directed to the box on the first page of the reference. It will be seen that the repeating units extend in four directions (simplistically up, down, left and right as viewed on the page). This arrangement gives rise to a "network" polymer – see title of the McKeown.

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Turning now to Example 1 on page 34 of the present specification, it will be seen that the repeating unit goes only in two directions (simplistically, left and right as viewed on the page). Similar comments can be made about the other Examples. In preferred embodiments of the present invention, the polymers do not have "network characteristics". The claims as now presented specify that each repeating unit is bonded predominately (see page 5 of the application) to two other repeating units. This is in contrast to the McKeown reference where each repeating unit is (ideally) bonded to four repeating units (although in practice the average is perhaps 3-4).

The Examiner is urged to consider the foregoing comments and withdraw the requirement for restriction.

An early and favorable Action on the merits is requested.

Respectfully submitted,

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